

**SENATE JOURNAL
63RD LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 31, 2013

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 28, SB 103, SB 113, SB 145, SB 146, SB 165, SB 172, SB 211, SB 212, SB 213, SB 214, SJR 3, SJR 11, HB 21, HB 132, HB 139.**

Correctly engrossed: **SB 20, SB 148, SB 161.**

Transmitted to the House: **SB 40, SB 48, SB 77, SB 94, SB 101, SB 104, SB 132, SB 133, SB 158, HB 20, HB 25, HB 42.**

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair):

1/30/2013

SB 11, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "SENTENCING AND COMMITMENT,"

2. Title, page 1, line 9.

Strike: "46-14-301, 46-14-302, 46-14-312,"

3. Page 1, line 23.

Following: "through"

Insert: "annual"

4. Page 1, line 23 through line 24.

Strike: "Two" on line 23 through "services." on line 24

Insert: "One member must be a mental health professional as defined in 53-21-102."

5. Page 5, line 4 through page 9, line 28.

Strike: sections 5 through 7 in their entirety

Renumber: subsequent sections

6. Page 10, line 14 through line 15.

Strike: "Except" on line 14 through ", a" on line 15

Insert: "A"

7. Page 10, line 28 through line 29.

Strike: "and confined" on line 28 through "disabilities facility" on line 29

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And, as amended, do pass. Report adopted.

SB 27, do pass. Report adopted.

SB 159, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair):

1/30/2013

SR 3, introduced resolution, be amended as follows:

1. Page 1, line 12.

Strike: "commends the Commission for establishing"

Insert: "recognizes that the Commission established"

2. Page 1, line 13.

Following: "and"

Insert: "commends the Commission"

3. Page 1, line 20 through line 23.

Strike: lines 20 through 23 in their entirety

4. Page 1, following line 26.

Insert: "WHEREAS, pairing House Districts 75 and 78 results in a Senate District that is primarily rural in nature and pairing House Districts 73 and 76 and House Districts 74 and 77 results in two Senate Districts that are tied together by common interests, including the historical copper mining industry; and"

5. Page 1, line 30 through page 2, line 2.

Strike: "WHEREAS," on page 1, line 30 through "voters; and" on page 2, line 2

6. Page 2, line 10 through line 13.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

7. Page 2, line 18.

Following: "reassign"

Strike: "the following" through "include"

Insert: "Senator Webb from Senate District 23 to Senate District 22, which includes"

8. Page 2, line 19.

Strike: "they were"

Insert: "he was"

Following: "elected"

Strike: "."

Insert: "."

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9. Page 2, lines 20 and 21.

Strike: subsection (a) through subsection (b) in their entirety

And, as amended, be adopted. Report adopted.

HB 34, be concurred in. Report adopted.

HB 51, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair):

1/30/2013

SB 138, do pass. Report adopted.

HB 35, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/30/2013

HB 91, introduced by Lynch

HB 122, introduced by B. Bennett

HB 123, introduced by Regier

HB 127, introduced by Berry

HB 162, introduced by Flynn

HB 199, introduced by Noonan

MOTIONS

Senator Ripley moved the Senate suspend the rules for the purpose of taking **SB 108** and **SB 136** from the Finance and Claims Committee and placing them on third reading on the next legislative day. The motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Wanzenried.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Buttrey moved to take **SB 23** off of second reading this date and move it back to the Local Government Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 215, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.

SB 216, introduced by Tutvedt, referred to Agriculture, Livestock and Irrigation.

SB 217, introduced by Hamlett, Connell, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Priest in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 162 - Senator Keane moved **SB 162** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzonried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 83 - Senator Murphy moved **SB 83** do pass.

SB 83 - Senator Van Dyk moved **SB 83**, second reading copy, be amended as follows:

1. Page 3.

Following: line 22

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Insert: "(8) The provisions of this section do not apply to the transplantation of mountain sheep by the department to:
(a) augment an existing population:
(i) that is below objective; or
(ii) to provide genetic diversity; or
(b) restore mountain sheep to an area that has experienced significant mortality due to disease."

Amendment adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 29

Nays: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Ripley, Rosendale, Sonju, Taylor, Tutvedt, Vincent, Webb.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 83 - Senator Van Dyk moved **SB 83**, second reading copy, be amended as follows:

1. Page 3.

Following: line 25

Insert: "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 43

Nays: Brenden, D. Brown, T. Brown, Fielder, Ripley, Sonju, Taylor.

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Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 83 - Senator Murphy moved **SB 83**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 42

Nays: Barrett Dick, Driscoll, Facey, Jent, Kaufmann, Phillips, Sesso, Wanzenried.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 147 - Senator Buttrey moved **SB 147** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 137 - Senator Olson moved **SB 137** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.

Total 31

Nays: Augare, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Sales, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 154 - Senator Vincent moved **SB 154** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122 - Senator Facey moved **SB 122** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 92 - Senator Driscoll moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Priest moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Kaufmann, Phillips.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 31 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 139 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 165 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 113 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.

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President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 145 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 37

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy, Tropila, Wanzenried, Windy Boy.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 146 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 28 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Sales, Sonju.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 3 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Brenden, D. Brown, Moore, Ripley, Sonju.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 21 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

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Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Sales, Sonju, Vincent.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Dick Barrett moved to change his vote on **SB 145** from Yes to No. Without objection, so ordered.

Senator Jent moved to change his vote on **SB 31** from Yes to No. Without objection, so ordered.

Senator Vuckovich moved to change his vote on **SB 31** from No to Yes. Without objection, so ordered.

Senator Malek moved to change her vote on **SB 31** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, February 1, 2013, the twenty-second legislative day. Motion carried.

Senate adjourned at 2:51 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate